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12	SOUTHEDN DISTRICT OF CALIFORNIA	
13	SOUTHERN DISTRICT OF CALIFORNIA	
14	UNITED STATES OF AMERICA,	Case No. 18CR3677(1)-W
15	Plaintiff,	MOTIONS TO (1) DDECLUDE
	V.	MOTIONS TO (1) PRECLUDE EVIDENCE OR ARGUMENT
16		CONCERNING ALLEGED POLITICAL
17	DUNCAN D. HUNTER,	BIAS OR MOTIVES OF THE
18	,	PROSECUTION TEAM AND
10	Defendant.	(2) ADMONISH THE DEFENSE TO
19		REFRAIN FROM MAKING PUBLIC STATEMENTS THAT MAY TAINT THE
20		JURY POOL
21		-
22	In a series of public statements that have been widely broadcast throughout this District	
23	defendant Duncan D. Hunter ("Hunter" or "the defendant") has repeatedly insisted that hi	
24	prosecution is politically motivated. Rather than address this allegation to the Court, Hunte	
25	has raised them in public events or statements to the press that are then broadcast to the poo	
26	of jurors who will be called to serve at his upcoming criminal trial. Because these allegation	

are irrelevant to the question of Hunter's guilt and risk infecting the jury pool, the United

States respectfully moves to (1) preclude Hunter from offering evidence or argument

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concerning alleged political biases or motives of the prosecution team and (2) admonish Hunter and the defense to refrain from making improper public statements that could poison the pool of potential jurors.

The United States recognizes the defense has wide latitude in making public statements about this case, and the United States is not seeking any order prohibiting Hunter's ability to proclaim his innocence, dispute the charges, or discuss matters of public record in the case. This motion simply seeks an admonishment that Hunter should refrain from making inappropriate statements about inadmissible matters that are designed to prejudice the ability to obtain a fair trial. *See* CivLR 83.7(d).

I.

STATEMENT OF FACTS

Hunter was indicted by a federal grand jury on August 21, 2018, and charged with converting funds belonging to his congressional campaign to his personal use. The indictment details scores of instances beginning in 2009 and continuing through 2016 in which Hunter and his wife and codefendant Margaret Hunter illegally used more than \$250,000 in campaign funds to pay for personal expenses. These include family vacations to Italy, Hawaii, Arizona, and Idaho; private school tuition; family dental work; theater tickets; and domestic and international travel for almost a dozen relatives. The Hunters also spent tens of thousands of dollars on more mundane purchases, including fast food, movie tickets, golf outings, video games, coffee, groceries, home utilities, and expensive meals. To conceal the theft, the Hunters filed false or misleading reports with the Federal Election Commission describing the payments as legitimate campaign expenses.

On August 21, 2018, the same day Hunter was indicted, his office issued a statement saying that he "believes this action is purely politically motivated." Exhibit 1.¹ Hunter's

¹ Sarah D. Wire & Christine Mai-Duc, San Diego County Rep. Duncan Hunter and His Wife Are Indicted on Campaign Finance Violations, L.A. Times (Aug. 21, 2018), https://www.latimes.com/politics/la-pol-ca-duncan-hunter-indict-20180821-story.html.

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27 28 attorney, meanwhile, told the media that the indictment "reflects a loss of impartiality and appears to be an effort to derail Congressman Hunter's reelection in the Nov. 6, 2018 election." Id. The next day, Hunter released another, lengthier statement to the media, in which he complained that his indictment was the result of a "political agenda" stemming from "a culture operating within our Justice Department that is politically motivated." Exhibit 2.² Hunter continued by using the term "witch-hunt," to suggest that he was indicted only in an effort to remove him from office. *Id*.

On August 22, 2018, Hunter gave an on-air interview to local San Diego news. During the interview, he claimed, "[t]his is modern politics and modern media mixed in with law enforcement that has a political agenda. That's the new Department of Justice." Exhibit 3.3 He added:

This is the Democrats' arm of law enforcement, that's what's happening right now. ... It's happening with [President] Trump, it's happening with me. ... I think they've used every dirty trick in the book. ... They can try to have a political agenda as our law enforcement, as a U.S. government...as we've seen with [former FBI agent Peter] Strzok, and with the FBI and DOJ have been doing. Let them expose themselves for what they are: a politically motivated group of folks. ... This is politics, unfortunately.

Id. Hunter accused the "deep state" Department of Justice of trying to rig the upcoming election against him: "This is political—period. This is the U.S government—what I would call the deep state—or folks in the U.S. government that don't care what the election does, they want to rig the election their own way, because they can't beat me in a real election."

² Allison Horn, Rep. Duncan Hunter Releases Statement on Indictment, ABC 10 News San Diego (Aug. 22, 2018), https://www.10news.com/news/rep-duncan-hunter-releasesstatement-on-indictment.

³ Jermaine Org, San Diego Congressman Duncan Hunter Addresses Federal Indictment 10News Interview. **ABC** 10 News San Diego (Aug. 22. 2018). https://www.10news.com/news/san-diego-congressman-duncan-hunter-addresses-federalindictment-in-10news-interview.

Exhibit 4.⁴ One week after the indictment was returned, Hunter gave another interview, insisting that the charges against Margaret were similarly biased: "It's me they're after anyway. They're not after my wife; they want to take me down, that's what they're up to." Exhibit 5.⁵

Hunter has continued making these types of comments throughout the pendency of his case. On May 25, 2019, for example, speaking at a public event in Ramona, Hunter argued that the military and criminal justice systems are "abusive." "It's not about justice," he continued. Exhibit 6.6 Instead, he suggested, military and civilian prosecutors were motivated by "[h]ow famous can they get up the ladder in the military, get that next promotion?" *Id.* "And in the Department of Justice here, how famous can [they] get and can they run for Congress next term if they have a big case?" *Id.*

Even as recently as June 13, 2019—less than three months before his trial begins—Hunter issued a statement accusing the Department of Justice of going "after [Margaret Hunter] to get to me for political reasons." Exhibit 7.7 He reiterated his earlier accusation that the "primary agenda" of the prosecutors in this case "was to inflict as much political damage as possible in hopes of picking up a congressional seat." *Id.* He also repeated inflammatory accusations about specific prosecutors, alleging that the "local U.S. Attorneys" prosecuting

⁴ Andrew Dyer & Kristina Davis, *Rep. Duncan Hunter Says Democrats*, 'Deep State' Behind Indictment, Says He's Not Resigning, San Diego Union-Tribune (Aug. 22, 2018), https://www.sandiegouniontribune.com/news/watchdog/sd-me-hunter-main-20180822-story.html.

⁵ Allison Horn & Jonathan Horn, *Congressman Duncan Hunter on Indictment: "Leave My Wife Out of It*," ABC 10 News San Diego, https://www.10news.com/news/supporter-group-gathers-for-speech-by-indicted-congressman-duncan-hunter.

⁶ Ken Stone, *Rep. Hunter on War-Crimes Suspect Gallagher: I'm Guilty of Same 'Bad Thing*,' Times of San Diego (May 25, 2019), https://timesofsandiego.com/military/2019/05/25/rep-hunter-on-war-crimes-suspect-gallagher-im-guilty-of-same-bad-thing/.

⁷ Zac Self & Jonathan Horn, *Wife of Rep. Hunter Pleads Guilty in Federal Case*, ABC 10 News San Diego (June 13, 2019), https://www.10news.com/news/local-news/wife-of-rep-duncan-hunter-to-change-plea-in-federal-case.

this case "attended Hillary Clinton fundraisers in violation of the Hatch Act." *Id.* He concluded that his case "was politically-motivated at the beginning, it remains politically-motivated now." *Id.*

The United States has discussed these concerns with the defense and requested that Hunter exercise caution and discretion before making allegations in the public arena that would be improper if argued to the jury. In late May 2019, for example, the United States cautioned the defense that Hunter's constant and regular statements regarding a supposed political motivation behind the indictment are bound to taint the jury pool, and asked him to refrain from further inappropriate remarks. Hunter has ignored or refused these requests.

II.

ARGUMENT

A. Evidence and Arguments Concerning Alleged Prosecutorial Bias Should Be Prohibited at Trial⁸

"The accused does not have an unfettered right to offer testimony that is incompetent, privileged, or otherwise inadmissible under standard rules of evidence." *Taylor v. Illinois*, 484 U.S. 400, 410 (1988). Legal arguments that may appropriately form the basis for pretrial motions directed to a court may be irrelevant to, and thus kept from, the jury that adjudicates a defendant's factual guilt or innocence at trial. Such arguments include those based on the motive of the prosecutors who brought charges against a defendant. While such arguments appropriately may form the basis of a motion to dismiss, *see* Fed. R. Crim. P. 12(b)(3)(A)(iv), a defendant who fails to make (or prevail on) such a motion ahead of trial cannot then assert that claim before the jury. Rather, "[c]ourts have consistently excluded evidence and

⁸ A perfectly appropriate vehicle exists for Hunter to raise an argument that he is a victim of a politically-motivated prosecution: a pretrial motion to dismiss the indictment, brought to this Court. *See* Rule 12(b)(3)(A)(iv); *see also United States v. Napper*, 553 F. Supp. 231, 232 (E.D.N.Y. 1982) ("If impermissible selective prosecution is demonstrated, the indictment itself is fatally defective regardless of any evidence proving guilt. A selective prosecution claim is therefore a question of law properly determined only by the Court, and may not be argued before the fact-finders.").

argument by defendants seeking to attack the prosecution's motives in initiating prosecution." *United States v. Cleveland*, No. 96-cr-207, 1997 WL 253124, at *2 (E.D. La. May 14, 1997) (collecting cases).

This is so because "[t]he question of discriminatory prosecution relates not to the guilt or innocence of [the defendant], but rather addresses itself to a constitutional defect in the institution of the prosecution," and thus is a question of law. *United States v. Abboud*, 438 F.3d 554, 579 (6th Cir. 2006) (citation omitted); accord *United States v. Regan*, 103 F.3d 1072, 1082 (2d Cir. 1997) ("claim of selective prosecution" is "ultimately separate from the issue of [the defendant's] factual guilt."); *United States v. Scrushy*, 721 F.3d 1288, 1305 (11th Cir. 2013) ("Whether the decision to prosecute [the defendant] was motivated by improper reasons has no bearing on the integrity of the trial or the verdict"); *United States v. Washington*, 705 F.2d 489, 495 (D.C. Cir. 1983) ("the issue of selective prosecution is one to be determined by the court, as it relates to an issue of law entirely independent of the ultimate issue of whether the defendant actually committed the crimes for which she was charged." (citations omitted)). As the Supreme Court has recognized, "[a] selective-prosecution claim is not a defense on the merits to the criminal charge itself, but an independent assertion that the prosecutor has brought the charge for reasons forbidden by the Constitution." *United States v. Armstrong*, 517 U.S. 456, 463 (1996).

The United States' reasons for initiating Hunter's prosecution have no bearing on whether the evidence at trial will prove the elements of the offenses with which he is charged. Hunter must therefore be prohibited from arguing or suggesting, in opening statements, through his questions to witnesses,⁹ and during closing arguments, that he has been singled

⁹ Hunter is free to probe the credibility and reliability of cooperating witnesses' testimony during cross-examination. But he is not entitled to elicit testimony, even from cooperating witnesses, of the *prosecutors*' motives. *See United States v. Stewart*, No. 03 CR 717(MGC), 2004 WL 113506, at *1 (S.D.N.Y. Jan. 26, 2004) ("[T]he defense wishes to elicit from witnesses who are cooperating with the Government their understanding of the Government's eagerness to obtain evidence against Ms. Stewart. But any evidence that raises questions of prosecutorial bias against Stewart has no bearing on the issues properly before the jury, including the credibility of cooperating witnesses. Therefore, such evidence is

out for prosecution due to the supposed political bias of the prosecutors or due to his political positions or party affiliation. *See United States v. Johnson*, 605 F.2d 1025, 1030 (7th Cir. 1979) (no error in excluding argument that "the indictment was a political instrument," because these would constitute "excursions into extraneous and collateral matters unrelated to the particular [charges]"); *United States v. Lopez*, 854 F. Supp. 57, 60 (D.P.R. 1994) ("The evidence alleged in defendant's motion claiming selective prosecution, which involved various claims regarding defendant's influence in the selection of the next U.S. Attorney for Puerto Rico, has no bearing whatsoever on whether the defendant committed the crimes alleged, and will not be allowed at trial."); *Napper*, 553 F. Supp. at 232 (rejecting defense request to argue that "prosecution was selectively brought as part of a concerted government effort to suppress the activities of...a religious organization[.]").

Argument or evidence directed toward prosecutorial motives also presents a grave danger of unfair prejudice, as such information would constitute an "emotional" appeal designed to confuse the issues for the jury. *See* Fed. R. Evid. 403 advisory comm.'s notes (1975) (evidence is properly excludable under Rule 403 if it will "induc[e] decision on a purely emotional basis"); *Cleveland*, 1997 WL 253124, at *3 ("evidence concerning the motivation of the prosecution of any of the defendants is irrelevant to the issue of innocence or guilt and...any probative value it has is substantially outweighed by its potential for unfair prejudice and for misleading the jury."). Such information would serve no purpose but to encourage jury nullification. *See United States v. Kleinman*, 880 F.3d 1020, 1032 (9th Cir. 2017) ("a court has the duty to forestall or prevent nullification" (alterations and quotation marks omitted)); *United States v. Sepulveda*, 15 F.3d 1161, 1190 (1st Cir. 1993) ("A trial judge, therefore, may block defense attorneys' attempts to serenade a jury with the siren song of nullification.").

inadmissible. The defendants are, of course, free to raise questions about the credibility and reliability of cooperating witnesses. But defendants may not use their ability to impeach such witnesses to introduce impermissible evidence of prosecutorial motive.").

B. This Court Should Admonish Hunter to Refrain From Public Allegations of Prosecutorial Bias that Poison the Jury Pool

"Legal trials are not like elections, to be won through the use of the meeting-hall, the radio, and the newspaper." *Bridges v. California*, 314 U.S. 252, 271 (1941). Jurors are called upon to reach their conclusions only on the basis of evidence and argument heard in open court, "and not by any outside influence, whether of private talk or public print." *Patterson v. Colorado*, 205 U.S. 454, 462 (1907). "Few, if any, interests under the Constitution are more fundamental the right to a fair trial by 'impartial' jurors, and an outcome affected by extrajudicial statements would violate that fundamental right." *Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1075 (1991).

Courts thus have "an affirmative constitutional duty to minimize the effects of prejudicial pretrial publicity" so as "to insure that the fairness of a trial will not be jeopardized by the dissemination of such information throughout the community before the trial itself has even begun." *Gannett Co. v. DePasquale*, 443 U.S. 368, 378–79 (1979); *see also Cox v. Louisiana*, 379 U.S. 559, 565 (1965) (court may "properly protect the judicial process from being misjudged in the minds of the public"); *United States v. Brown*, 218 F.3d 415, 423 (5th Cir. 2000) (noting "the potential that pretrial publicity may taint the jury venire, resulting in a jury that is biased toward one party or another"). Because a jury pool thus infected cannot be cured, the Court "cannot escape the task of fixing the limits within which a defendant may attempt to create publicity." *Levine v. U.S. Dist. Court for Cent. Dist. of Cal.*, 764 F.2d 590, 596 (9th Cir. 1985); *Gentile*, 501 U.S. at 1075 (noting that with widespread media coverage of criminal trials, even extensive voir dire may not be able to filter out the negative effects of pretrial publicity). In fixing these limits, the Court should afford a defendant enough leeway to maintain publicly his innocence, but not so much that he may attempt to "influence public opinion regarding the merits of the case." *Brown*, 218 F.3d at 418, 430 (upholding pretrial

¹⁰ Properly-drawn limits do not offend the First Amendment, because "[i]n securing freedom of speech, the Constitution hardly meant to create the right to influence judges or juries." *Pennekamp v. Florida*, 328 U.S. 331, 366 (1946) (Frankfurter, J., concurring).

order prohibiting defendant "from discussing with any public communications media anything about the case 'which could interfere with a fair trial,' including statements 'intended to influence public opinion regarding the merits of this case,' with exceptions for matters of public record and matters such as assertions of innocence"). Indeed, the Local Rules of Practice for this District already prohibit attorneys "and their associates," as officers of this court, from making statements that are "likely to prejudice the ability of either the government or the defendant to obtain a fair trial" CivLR 83.7(d).

Since his indictment, Hunter has repeatedly used public platforms to describe his prosecution as a political witch-hunt by partisan prosecutors. Such remarks could poison the pool of potential jurors before trial has begun. *See Gannett Co.*, 443 U.S. at 378 ("it may be difficult to measure with any degree of certainty the effects of such [pretrial] publicity on the fairness of the trial."). And "[e]ven if an impartial jury could be selected, intense prejudicial publicity during and immediately before trial could allow the jury to be swayed by extrajudicial influences." *Levine*, 764 F.2d at 598. As a member of Congress representing San Diego and Riverside Counties, Hunter's voice reverberates loudly throughout the District, and his prejudicial statements are especially likely to reach the ears of potential jurors. *See In re Dan Farr Prods.*, 874 F.3d 590, 594 (9th Cir. 2017) (considering, in reviewing a protective order, the extent to which prejudicial speech "will preclude the seating of an impartial jury" drawn from "registered voters in San Diego and Imperial Counties"). Hunter's claims of political persecution thus pose an especially strong threat to the integrity of the venire.

The United States is not seeking an order restricting Hunter's public statements at this time. Although the Court is well within its authority to issue such an order, *see United States v. Hill*, 420 F. App'x 407, 413–14 (5th Cir. 2011) (unpublished) (affirming a contempt finding in high-profile public corruption case after the defendant told reporters "that he was being selectively prosecuted due to political and racial motivation" in violation of court order designed "to protect the impartiality of the jury pool"), at this time the United States seeks only for the Court to admonish Hunter of the consequences of his statements, and to reiterate that he must take care to avoid improperly poisoning the jury pool.

Hunter may freely proclaim his innocence to the public. He may dispute the validity of the charges against him. He may insist that the jury will acquit after reviewing the evidence. He may discuss matters of public record in the case. But he may not use inadmissible, irrelevant, and inflammatory allegations to inject improper prejudice into the proceedings. See Brown, 218 F.3d at 429-30; see also United States v. Stone, Crim. No. 19-18 (ABJ), at *4 (D.D.C. Feb. 15, 2019) (directing parties to refrain "from making statements to the media or to the public that pose a substantial likelihood of material prejudice to this case or are intended to influence any juror, [or] potential juror"); United States v. Manafort, Crim. No. 17-201 (ABJ), at *2 (D.D.C. Nov. 8, 2017), ECF No. 38, (directing parties "to refrain from making statements to the media or in public settings that pose a substantial likelihood of material prejudice to this case"). Such statements are inconsistent with the Local Rules of this district, which recognize and attempt to ameliorate the unfair prejudice that can result from improper statements to the media. CivLR 83.7(d). As a public official, Hunter has a special obligation to uphold rather than frustrate the integrity of the criminal justice system. Cf. Nebraska Press Ass'n v. Stuart, 427 U.S. 539, 604 n.27 (1976) (Brennan, J., concurring in the judgment) ("As officers of the court, court personnel and attorneys have a fiduciary responsibility not to engage in public debate that will redound to the detriment of the accused or that will obstruct the fair administration of justice."). His public statements throughout the pendency of this case demonstrate that he should be reminded of these obligations by the Court.

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III.

CONCLUSION

For the reasons set forth above, this Court should preclude evidence or arguments concerning alleged motives or biases of the prosecution team, and admonish Hunter to refrain from making statements intended to poison the jury pool.

DATED: June 24, 2019

Respectfully submitted,

DAVID D. LESHNER Attorney for the United States

s/ Bradley G. Silverman
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POLITICS

San Diego County Rep. Duncan Hunter and his wife are indicted on campaign finance violations

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GOVERNMENT EXHIBIT Ex. 1, Pg. 1 18CR3677-W



Rep. Duncan Hunter (R-Alpine) and his wife used \$250,000 in campaign funds for personal use and filed false campaign finance reports, according to a 48-page federal indictment. (David Brooks / San Diego Union-Tribune)

Rep. Duncan Hunter (R-Alpine) and his wife, Margaret, were indicted by a federal grand jury Tuesday on charges they used \$250,000 in campaign funds for personal use and filed false campaign finance reports with the Federal Election Commission to mask their actions.

The 48-page indictment details lavish spending from 2009 to 2016, including family vacations to Italy and Hawaii, home utilities, school tuition for their children, video games and even dental work. The San Diego Union-Tribune first identified the improper spending, triggering a federal investigation by the Justice Department.





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To conceal the personal expenditures, family dental bills were listed as a charitable contribution to "Smiles for Life," the government alleges. Tickets for the family to see "Riverdance" at the San Diego Civic Theatre became "San Diego Civic Center for Republican Women Federated/Fundraising," according to the indictment. Clothing purchases at a golf course were falsely reported as golf "balls for the wounded warriors." SeaWorld tickets worth more \$250 were called an "educational tour."

"The indictment alleges that Congressman Hunter and his wife repeatedly dipped into campaign coffers as if they were personal bank accounts, and falsified FEC campaign finance reports to cover their tracks," said U.S. Atty. Adam Braverman. "Elected representatives should jealously guard the public's trust, not abuse their positions for personal gain. Today's indictment is a reminder that no one is above the law."

Hunter's campaign released a statement Tuesday calling the indictment politically motivated and linked to his support for President Trump. It alleges that the federal attorneys involved in the indictment attended a "Hillary Clinton for President" fundraiser on Aug. 27, 2015, and should have recused themselves.

"Congressman Hunter believes this action is purely politically motivated," said Mike Harrison, Hunter's chief of staff. His campaign said Hunter has no plans to drop out of his reelection race.

But House Speaker Paul D. Ryan said Tuesday, "Now that he has been indicted, Rep. Hunter will be removed from his committee assignments, pending the resolution of this matter." Hunter is chairman of the House Transportation and Infrastructure Committee's Coast Guard and Maritime Transportation Subcommittee.

Hunter's attorney Gregory Vega said that an indictment only three months before the election and almost two years since the investigation began "reflects a loss of impartiality and appears to be an effort to derail Congressman Hunter's reelection in the Nov. 6, 2018 election."

Hunter has previously said he did not handle the campaign's credit card and did not do anything improper. He attributed any violations to honest mistakes, and repaid several thousands of dollars to his campaign before the FBI investigation began.

But the government alleges the Hunters often overdrew their bank accounts and charged up their credit cards to support a lifestyle they could not afford, and were repeatedly warned that using campaign funds for their personal spending was inappropriate.

The Hunters are scheduled to be arraigned at 10:30 a.m. Thursday before U.S. Magistrate Judge William V. Gallo. The five charges are conspiracy to commit offenses against the United States, wire fraud, falsification of records, prohibited use of campaign contributions, and aiding and abetting.

The allegations mean Hunter's district, one of the most conservative in the state, could be more competitive than it has been in years, making Republicans' effort to retain a House majority in the midterm election even tougher.

While Hunter still stands a chance of winning — Trump won the district by 15 percentage points — the prospect of an indictment was the main reason Democrats kept this race on their target list.

His challenger, former Obama administration employee Ammar Campa-Najjar, has cast himself as a progressive Democrat who embraces single-payer healthcare and may be a poor fit for voters there.

Hunter's legal troubles could provide major ammunition to Campa-Najjar, who recently received an endorsement from former President Obama and hired veteran national strategist Joe Trippi. California election law does not provide a way for Republicans to replace Hunter with another GOP candidate and the only way to remove Hunter's name from the ballot is by court order.

"I was concerned all this time that Duncan Hunter was out for the special interests, but it turns out all along he cares only about his own self-interest, which is even worse," said Campa-Najjar, who said the indictment "makes it an even more flippable seat."

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California Republican leaders urged voters to not rush to judgment.

"In our country, individuals are presumed innocent until a jury of their peers convicts them," California Republican Party chair Jim Brulte said. "The congressman and his wife have a constitutional promise to their day in court and we will not prejudge the outcome."

It was more than \$1,300 in video game purchases made by Hunter's campaign that first drew the attention of federal election officials and the San Diego Union-Tribune.

At the time, Hunter blamed his son for the video game purchases, saying he had used the wrong credit card to sign up for a recurring purchase.

Further reporting found more unusual spending by Hunter's campaign, including a \$250 airplane ride for the family rabbit and payments to nail salons, his children's private school and a Phoenix resort.

Hunter vowed to conduct an internal audit of campaign spending and reimbursed his campaign some \$62,000 for spending on oral surgery, a family trip to Italy and Disneyland gift shop purchases.

His wife, Margaret, handled his FEC reports and was paid as his campaign manager, although Hunter has avoided blaming her directly.

"I was not involved in any criminal action," Hunter told Politico in March. "Maybe I wasn't attentive enough to my campaign. That's not a crime."

The House Ethics Committee issued a report in March that Hunter "may have converted tens of thousands of dollars of campaign funds from his congressional campaign committee to personal use to pay for family travel, flights, utilities, healthcare, school uniforms and tuition, jewelry, groceries and other goods, services, and expenses." The congressional committee said it was not pursing its own investigation to avoid interfering with the Justice Department.

Defending himself against the nearly two-year investigation has largely drained Hunter's campaign war chest. He and his wife sold the family home and moved in with his parents.

The five-term congressman holds a seat his father, Rep. Duncan Hunter Sr., once held.

GOVERNMENT EXHIBIT

Ex. 1, Pg. 6

18CR3677-W









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NEWS







Rep. Duncan Hunter releases statement on indictment

Posted: 12:59 PM, Aug 22, 2018 **Updated:** 12:59 PM, Aug 22, 2018

By: Allison Horn



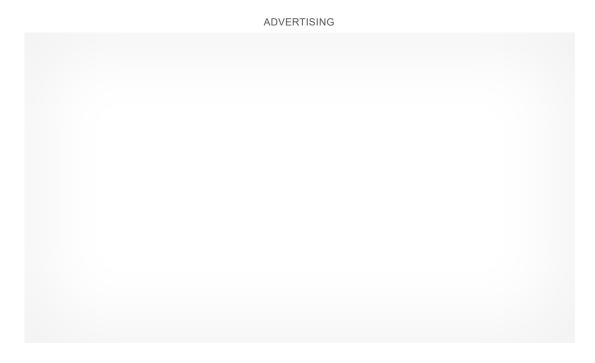
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GOVERNMENT EXHIBIT Ex. 2, Pg. 1 18CR3677-W

SAN DIEGO (KGTV) - San Diego-area Congressman Duncan Hunter (R-CA) Wednesday released a statement regarding his indictment on charges including misuse of campaign funds.

Rep. Hunter and his wife Margaret were indicted Tuesday for Conspiracy to Commit Offenses Against the United States, Falsification of Records, Prohibited Use of Campaign Contributions, and Aiding and Abetting.

10News was the first to talk with Rep. Hunter Wednesday morning about the indictment, which he called 'politically motivated'.



RELATED: San Diego Congressman Duncan Hunter addresses federal indictment

STATEMENT FROM CAMPAIGN OF CONGRESSMAN DUNCAN HUNTER

I believe in our American system of justice, I support our system of justice. I cannot say the same, however, for those within our justice system that have a political agenda to harm those with whom they

GOVERNMENT EXHIBIT Ex. 2, Pg. 2 18CR3677-W

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tasked with enforcing the law would do so in an unbiased manner, allowing evidence to dictate how cases should run, with nothing impeding the rule of law. Unfortunately, this is not the case today. The fact is that there is a culture operating within our Justice Department that is politically motivated.

We are seeing this with President Trump; we are seeing this with my case. This is evidenced by the fact that after two years of investigating, the Department of Justice decided to take this action right before my election. For over two years, I have made myself available to cooperate with this investigation in any manner. To date, I have not been asked one time to answer any questions or address any issue. I have not had one opportunity to present my side of anything in this investigation or to counter any allegations against me.

All the while, there has been a constant barrage of misinformation and salacious headlines in our media regarding this matter. I purposely choose to remain silent, not to feed into this witch-hunt and trust the process.

I have focused on one thing; doing the job with which I was elected to do. I have worked to represent my constituents, voting on policy issues that I believe would benefit our nation and opposing those that would do us harm. I have helped those having problems with federal agencies and advocating for those who have fallen through the cracks of bureaucracy. This is what I will continue to do, these efforts will not stop, and I am not going anywhere.

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overwhelming evidence indicated that Hillary Clinton took direct action to circumvent investigations into her campaign, she was interviewed and no action was taken. After two years of investigation into my campaign, I have never been interviewed and they made a decision to prosecute.

Additionally, three prosecutors, two of which are directly involved this case, attended a fundraising event at a private home in La Jolla in 2015, one of which was the individual who signed the indictment. We know these individuals attended this event from 9:00-12:00 noon during working hours. We are told that this was at the request of Secret Service to officially assist law enforcement with protection, but this explanation is disputed by former U.S. Attorneys familiar with the responsibilities of their office. The obvious question is why would the Secret Service need three prosecutors at a fundraising event? The answer is they are partisan prosecutors.

My constituents are not easily misled. I know they can recognize a political agenda when they see it and they can disregard empty rhetoric when they hear it. I fought for our nation against terrorists in the Marine Corps. I fight for my constituents in the halls of Congress. I will fight this in the same manner and with the same level of determination because I believe in what I am fighting for and still have faith that evidence and the rule of law will trump political agendas and bias.

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San Diego Congressman Duncan Hunter addresses federal indictment in 10News interview

Posted: 7:47 AM, Aug 22, 2018 **Updated:** 4:11 PM, Aug 22, 2018

By: Jermaine Ong



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GOVERNMENT EXHIBIT Ex. 3, Pg. 1

18CR3677-W















SAN DIEGO (KGTV) - Rep. Duncan Hunter (R-CA) told 10News that he's innocent of accusations of campaign funding misuse one day after he and his wife Margaret were indicted by a federal grand jury.

Prior to a Wednesday morning fishing trip for the military veterans group Rivers of Recovery, Hunter -- with his father by his side -- spoke to 10News reporter Mimi Elkalla about the indictment and what he calls the "new Department of Justice."

"We're excited about going to trial with this, frankly," Hunter said of the indictment. "This is modern politics and modern media mixed in with law enforcement that has a political agenda. That's the new Department of Justice."

RELATED: Congressman Duncan Hunter and wife indicted for campaign fund misuse

The Republican congressman added, "This is the Democrats' arm of law enforcement, that's what's happening right now. It's happening with [President] Trump, it's happening with me. We're going to fight through it and win and the people get to vote in November ... I think they've used every dirty trick in the book, so it'll go to court when they want it to."

Hunter, who embarked on the fishing trip despite a Thursday court date, told 10News that he was not concerned with the indictment.

"I'm not worried. I'm looking forward to it. They can try to have a political

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In the indictments, Hunter and his wife are accused of wire fraud, falsifying campaign records and spending about \$250,000 of campaign funds on family vacations and other flights, dental bills, school tuition, groceries and to fly the family's rabbit cross-country.

When asked about the accusations levied against his wife, Hunter confirmed that she was in charge of campaign expenses but added, "That'll come out in court. That's for the court and for her."

RELATED: Report: Rep. Duncan Hunter womanized, boozed and misused funds

Hunter reiterated that the indictment won't keep him from doing his job.

"I'm here for you. I'm the congressman. I'm still the representative. We're not leaving, we're not backing away. We would like for the government to present its facts. It's wrong. This is politics, unfortunately," he told 10News.

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Ex. 3, Pg. 3

18CR3677-W

WATCHDOG

Rep. Duncan Hunter says Democrats, 'deep state' behind indictment, says he's not resigning



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The San Diego Union-Tribune

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By ANDREW DYER, KRISTINA DAVIS

AUG. 22, 2018 7:17 PM



Republican Congressman Duncan Hunter of Alpine forcefully responded Wednesday to a 60-count <u>indictment</u> filed this week in federal court in San Diego.

In a 15-minute back and forth with reporters, Hunter invoked a "deep state" conspiracy among "partisan Democrat prosecutors" as the reason why he and his wife, Margaret Hunter, were facing charges of conspiracy to commit wire fraud, falsification of records and aiding and abetting in the prohibited use of campaign contributions.

Ex. 4, Pg. 1

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Tuesday's indictment listed 200 instances in which the Hunters allegedly made personal purchases using campaign funds, including family vacations, meals and everyday household expenses. The \$250,000 of improper expenses alleged by prosecutors — from tequila to Taco Bell to "Punky Brewster items" at Target — have become fodder for a steady diet of national news stories.

But Hunter, 41, told reporters in San Diego on Wednesday, "I've never used my campaign for personal expenditures — ever."

Reporters asked about items listed in the indictment going back to 2009, his first year in Congress.

"It's the U.S. government trying to make you look bad," he said. "They can make it look however they want to make it look, we all know this."

Then Hunter said again, "I never used campaign funds for personal purchases — ever."

Hunter said every purchase listed in the 47-page indictment was campaign-related.

"They took legitimate campaign expenses and just tossed them all in and said these are all illegal," he said.

Two of the items prosecutors <u>cited</u> — Pittsburgh Steelers games in 2010 and 2013 — amounted to \$4,129 in alleged campaign spending on personal activities. Prosecutors identified one of the games as a family outing and the other as a birthday gift for a family member.

Hunter said both games were, in fact, campaign activities.

"They were massive campaign events," he said. "(We were) raising money off doing them. That's what we do."

Hunter also denied overdrawing his personal bank account, which prosecutors said happened more than 1,100 times in a seven-year period, costing the Hunters more than \$37,000 in overdraft fees.

Hunter did say he might have not had his eyes on his accounts as much as he should have.

"I was in the Marine Corps, I did three tours," he said. "When I joined the Marines, I gave power of attorney to my wife, 'cause I was gone all the time. I didn't have a lot of visibility on my personal finances. When I go into Congress...I kept it going the same way.

"I didn't have as much visibility on my personal finances as I should have," Hunter said. "There's nothing illegal about being poor. I don't think there's anything illegal about not having money in your bank account."

Hunter is paid \$174,000 a year as a member of Congress, and his campaign paid his wife \$3,000 a month as campaign manager. The indictment alleges the couple used campaign funds for European vacations, groceries, school lunches, trips to Lake Tahoe and other expenses. Spending campaign contributions for personal benefit is prohibited by federal law to protect against undue influence by donors.

Prosecutors also allege that the Hunters concealed the true purpose of many expenses. For instance, the campaign paid to fly Margaret Hunter's mother to Poland, the indictment says, reporting it on federal disclosure forms as "campaign trips to New Orleans and Kentucky."

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Duncan Hunter's impromptu news conference took place at the Point Loma Sportfishing Landing, where Hunter said his campaign sponsored a fishing trip for wounded warriors in conjunction with Rivers of Recovery, a 501(c)3 that provides a variety of rehabilitation treatments for veterans.

Asked about specific expenses over and over, Hunter would answer by discussing the U.S. Department of Justice. He said politically-motivated Democrats timed the indictment in order to affect November's election.

"This has to do with them being political," he said. "This isn't about my personal bank account... I paid the money back two years ago, before the election."

Hunter has been under scrutiny since April 2016, when the Federal Election Commission and then The San Diego Union-Tribune began raising questions about video games, private school tuition and other unusual expenses from his campaign accounts. In response, Hunter reviewed the matter and repaid more than \$60,000 of expenditures he identified as mistaken, personal or insufficiently documented. He sold his home in Alpine and moved in with his father and predecessor in Congress, Duncan L. Hunter.

That should have been the end of it, he said.

"This is political — period," Hunter said. "This is the U.S government — what I would call the deep state — or folks in the U.S. government that don't care what the election does, they want to rig the election their own way, because they can't beat me in a real election."

Hunter is facing a challenge from Democrat Ammar Campa-Najjar on the November ballot. In a strongly Republican district, the race would normally be a walk for Hunter. The indictment may make it more competitive.

Hunter's comments echo those of President Donald Trump, who is facing his own problems with the Justice Department. Like Trump, Hunter <u>called</u> his prosecution a "witch hunt" in a campaign statement.

The congressman pushed back on the suggestion he should resign.

"I'm not resigning," Hunter said. "I'm not gonna resign with a bunch of leftist government thugs throwing allegations at me...This means nothing — the indictment is all they have. They only have what you've now seen. That's it. I've done nothing wrong and I say bring the trial now."

Hunter said two U.S. attorneys who worked on his case — Alana Robinson and Emily Allen — attended a Hillary Clinton fundraiser in 2015, and thus have a conflict of interest in his case.

Hunter's attorney, Greg Vega, sent a letter to Deputy Attorney General Rod Rosenstein on Aug. 6, saying that Robinson and Allen's involvement should have led to a recusal of the San Diego U.S. Attorney's office, and asking to come to Washington, D.C. to present his case — something that might have delayed the indictments beyond the Nov. 6 election. Rosenstein declined.

"The United States Attorney's Office for the Southern District of California and the Department of Justice in Washington, D.C. reviewed and rejected Mr. Hunter's complaints," said Kelly Thornton, a spokeswoman for the U.S. Attorney, in an emailed statement. "The Secret Service requested the prosecutors' attendance and routinely asks prosecutors to attend events involving their protectees."

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Thornton declined to elaborate when asked follow-up questions about why federal prosecutors would be asked to attend events by the Secret Service.

The Secret Service on Wednesday declined to discuss the matter or provide any general policies or procedures regarding why prosecutors' presence might be requested at such events.

"The U.S. Secret Service is aware of the situation but we cannot comment due to the potential for litigation," a spokesman said in an email.

Both Robinson and Allen are registered to vote as Democrats, according to 2017 San Diego County voter registration data.

Data was not available for 2015, when the Clinton fundraiser occurred, but the following year as the campaign peaked, the Secret Service handled more than 2,700 campaign stops for the three presidential candidates and their spouses and two vice presidential candidates and their spouses, according to the agency's annual report. A handful were in San Diego County.

Former U.S. Attorney Chuck LaBella, now in private practice, said there is no reason to believe the U.S. Attorney's Office isn't being truthful about the situation, but added that the notion of the Secret Service requesting the presence of federal prosecutors "seems odd."

LaBella said he never came across such requests in his 24 years in the U.S. Attorney's Office – in Manhattan, Washington, D.C., and San Diego – and said he can't think of a reason why a protection detail would want prosecutors there. LaBella said transparency would help quell suspicion and answer questions.

"If they are saying they were there for official business, why not just tell the public that they were there for a particular reason?" LaBella said.

David Carr, a San Diego attorney specializing in attorney ethics, said he also did not see a logical reason for the Secret Service's request. Even so, he said nothing points to a violation of state rules that govern attorney behavior.

"As a matter of individual prosecutorial conscience, you might say 'I'm such a partisan Democrat that I can't be objective when it comes to prosecuting Duncan Hunter,' and that would create a conflict," Carr said. "But there's no evidence because someone merely was at a fundraiser that they are such partisan Democrat and that they are prosecuting Duncan Hunter for improper purpose."

The Hunters will be arraigned in federal court Thursday.

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Congressman Duncan Hunter on indictment: "Leave my wife out of it"

Posted: 11:09 AM, Aug 28, 2018 **Updated:** 8:11 PM, Aug 28, 2018

By: Allison Horn, Jonathan Horn





SAN DIEGO (KGTV) - San Diego County Congressman Duncan Hunter spoke Tuesday morning to a group of women who support him despite accusations that he and his wife misused campaign funds.

"Women Volunteers in Politics" gathered for the speech at the Bali Hai restaurant on Shelter Island. The event was booked months before Rep. Hunter's indictment.

Hunter spoke to 10News before the event.

"Leave my wife out of it, leave my family out of it. It's me they're after anyway. They're not after my wife; they want to take me down, that's what they're up to. So let's get this in the arena and have this settled," said Hunter.

Tuesday's statement was a change from Hunter's message the morning after the indictment was announced. When asked about the accusations levied against his wife, Hunter confirmed that she was in charge of campaign expenses but added, "That'll come out in court. That's for the court and for her."

DUNCAN HUNTER INDICTMENT:

- Extramarital infidelity, excessive drinking discussed in letter
- Hunters arraigned: 5 fast facts to know
- Hunter, wife Margaret plead not guilty to federal charges
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- PHOTOS: Alleged instances of campaign fund misuse in Hunter affidavit
- Report: Rep. Duncan Hunter womanized, boozed and misused funds

Hunter and his wife Margaret pleaded not guilty to dozens of charges last week in federal court. The couple is accused of spending about \$250,000 in



10News heard from supporters who said they would stand by his side because he is innocent until proven guilty.

"That's what's unfair about this, it's almost like they are guilty before he's even had a chance to go to trial and defend himself, and that's what's unfair this is when we're back in the caveman days," said Margie Morrison.

Hunter said he would speak to the women's group about the "Republican Party, Donald Trump, Congress, plans for the future. What we're going to do, how we're going to win and make America great again."

Despite the indictment, a 10News Union-Tribune poll shows 47 percent of the 50th District constituents would still vote for Hunter over his opponent, Ammar Campa-Najjar.

10News asked Hunter whether he would have a good chance of holding his congressional seat during the trial.

"I think so, but it'll be up to the people. They've had almost a decade of my service. I'm the most prolific legislator in the county," Hunter said.

In an opinion article written for USA Today, Hunter claimed the indictment was politically motivated.

"My constituents can recognize a political agenda when they see it, and they can disregard empty rhetoric when they hear it. I am looking forward to taking this to court," Hunter wrote.

Hunter was ordered to turn over his weapons during last week's court appearance but did not answer 10News reporter Jon Horn when he questioned him about it.

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Rep. Hunter on War-Crimes Suspect Gallagher: I'm Guilty of Same 'Bad Thing'

LATEST NEWS Man Shoots Ex-Girlfriend, Her Boyfriend Outside Chula Vista Costco

POSTED BY KEN STONE ON MAY 25, 2019 IN MILITARY | 6562 VIEWS | 11 COMMENTS | LEAVE A COMMENT

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Rep. Duncan D. Hunter, 42, shakes hands with his father, former Rep. Duncan L. Hunter, 70, at start of Ramona forum. Photo by Ken Stone

By Ken Stone

Rep. Duncan D. Hunter told a Ramona audience Saturday that he's guilty of the same behavior that led to Navy SEAL Chief Eddie Gallagher being charged with war crimes posing with a dead combatant.

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"Eddie did one bad thing that I'm guilty of too — taking a picture of the body and saying something stupid," Hunter said at a border-issues forum with his father, former Rep. Duncan L. Hunter.

The younger Hunter, a Marine veteran of Iraq and Afghanistan, said he's taken pictures "just like that when I was overseas" — although he didn't text or post images to social media. "But a lot of my peers ... have done the exact same thing."

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Hunter said the trial of Special Warfare Operator Chief Edward "Eddie" Gallagher was set for Tuesday. But actually **it begins June 10** at **Naval Base San Diego**, where he faces murder charges in the slaying of a wounded teenage ISIS prisoner in Iraq in 2017.

Gallagher allegedly texted a fellow SEAL: "Good story behind this, got him with my hunting knife."

- Listen: Rep. Duncan D. Hunter on the court-martial of Navy SEAL Chief Eddie Gallagher
- Listen: Border-security remarks by Rep. Duncan D. Hunter and father Duncan.
 L. Hunter

Hunter said the 17-year-old fighter survived a bombing that killed 40-50 terrorists but was shot inside the leg and denied care by Iraqi army captors. He contends Gallagher tried to save the boy — as documented by helmet cam video **Hunter says he's seen** and shown to fellow Congress members (but not released publicly).

But the East County Republican didn't mention testimony by Gallagher's fellow commandos from SEAL Team 7's Alpha Platoon. Gallagher also is accused of fatally shooting a school-age girl and an elderly man from a sniper's roost and "indiscriminately spraying neighborhoods with rockets and machine-gun fire," as **The New York Times put it**.



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Hunter made the remarks after his 14-term father left the Ramona Mainstage venue early at the **American Liberty Forum of Ramona** to call in to a radio show. The Gallagher comments came in response to a question from event moderator Dan Summers.

"Totally different subject but very important, especially right here in San Diego," Summers said on a stage with a Declaration of Independence backdrop and images of Ben Franklin and Thomas Jefferson. "With Memorial Day coming on Monday, what would it mean to you for President Trump to pardon Navy SEAL Chief Eddie Gallagher? What should we know about this case, and why is it so important?"

Hunter: "You want me to go through the whole thing?"

Summers: "From the beginning to the end."

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Ex. 6, Pg. 2

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An image of Benjamin Franklin was a Ramona forum. Photo by Ken Stone backdrop to Rep. Duncan D. Hunter at Ramona event. Photo by Ken Stone





Audience members listen to bordersecurity forum featuring comments by Rep. Duncan D. Hunter and his congressman father. Photo by Ken



Rep. Duncan D. Hunter details his stands on border security at site of a rowdy March 2017 town hall. Photo by Ken Stone



Rep. Duncan D. Hunter repeated his



An image of Benjamin Franklin was a backdrop to Rep. Duncan D. Hunter at Ramona event. Photo by Ken Stone



A porcelain eagle rested on table between the Hunters in Ramona. Photo by Ken Stone



Rep. Duncan D. Hunter told Ramona audience that 30% of children found crossing the border are "rent-a-kids" used by smugglers. Photo by Ken Stone



La-Faye Zeigler of Ramona listens to Rep. Duncan D. Hunter explain why Interstate 5 checkpoint is closed because of deployment of agents to the border. Photo by Ken Stone



Former Rep. Duncan L. Hunter tells audience that "massive casualties" attended the San Diego border area before his efforts to build a border fence with old military gear. Photo by Ken Stone



Former Rep. Duncan L. Hunter said of Democrats: "You couldn't drag these people to vote for defense with a team of horses." Photo by Ken



Rep. Duncan L. Hunter, smiling at his father, would bid farewell to him later with: "Hey, you're a great American." Photo by Ken Stone



Dan Summers of American Liberty Forum of Ramona (formerly Ramona TEA'd) notes that Saturday's monthly meeting was the group's 107th. Photo by Ken Stone



Coke cup in hand, Rep. Duncan D. Hunter shakes hands with audience member after his Ramona Mainstage remarks. Photo by Ken Stone



Rep. Duncan D. Hunter exits stage right after one-hour appearance at Ramona Mainstage. Photo by Ken

In the course of a 10-minute recitation, Hunter said he "absolutely" would love to see President Trump issue Gallagher a pardon, which some reports say could come on or before Memorial Day.

But Hunter also said he wanted the court-martial to go forward so the American people can "see how disgusting the military justice system is when it's run by lawyers and bureaucrats [who] go after the war-fighter."

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Hunter said such a trial would embarrass the Navy and "maybe give an example of how they can change the system."

Alluding to his own federal criminal case, where he's charged with using campaign funds for personal spending and travel, Hunter said he would argue that "our regular justice system is just as abusive as the military justice system. It's not about justice."

He said it's about: How many wins can they get?

"How famous can they get up the ladder in the military, get that next promotion?"
Hunter told an audience of 150. "And in the Department of Justice here, how famous can [they] get and can they run for Congress next term if they have a big case?"

Hunter also commented on how Gallagher's Navy prosecutors **sent tracking software** on email to defense attorneys to learn about possible leaks to Navy Times editor **Carl Prine**, a former military reporter at The San Diego Union-Tribune.

The 50th District congressman called the software "embedded malware, spyware" and declared: "Isn't that crazy? That's nuts. ... It's not fair when the prosecution cheats."

Duncan D. Hunter Admits Photographing Dead Combatant



He warned the mostly older audience: "If any of you get in trouble for anything, the last 20 years of your text messages are available to be used against you in a court of law. That's how it works. They're surveilling your emails, your text messages.

GOVERNMENT EXHIBIT Ex. 6, Pg. 4

"They can now use that against you. They use it in the military. They use it in normal justice system, and they love it. So be careful what you text."

Updated at 3:25 p.m. May 28, 2019

REP. HUNTER ON WAR-CRIMES SUSPECT GALLAGHER: I'M GUILTY OF SAME 'BAD THING' was last modified: May 28th, 2019 by Ken Stone

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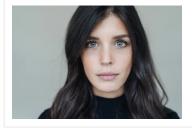
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Wife of Rep. Duncan Hunter pleads guilty in federal case

Posted: 1:49 PM, Jun 12, 2019 **Updated:** 11:22 PM, Jun 13, 2019

By: Zac Self, Jonathan Horn



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Ex. 7, Pg. 1

https://www.10news.com/news/local-news/wife-of-rep-duncan-hunter-to-change-plea-in-federal-case



SAN DIEGO (KGTV) -- Margaret Hunter, the wife of Rep. Duncan Hunter, changed her plea to guilty to one count of conspiracy in a plea deal with the federal government over misused campaign funds Thursday.

As part of a plea deal with prosecutors, Margaret Hunter will testify against her husband in his upcoming trial in September.

The congressman and his wife both pleaded not guilty in 2018 to federal charges of using \$250,000 in campaign funds for personal use and falsifying campaign finance reports.

"Defendant agrees to plead guilty to Count One of the Indictment charging her with conspiring with co-defendant Duncan D. Hunter to knowingly and willfully convert Duncan D. Hunter for Congress Campaign Committee funds to personal use by using them to fulfill personal commitments, obligations and expenses would have existed irrespective of Hunter's election campaign and duties as a federal officeholder, in amounts of \$25,000 and more in a calendar year," the plea deal states.

Those expenses include a \$14,000 family vacation to Italy and a \$650 Easter brunch at the Hotel del Coronado.

READ THE PLEA AGREEMENT HERE

Through her attorney, Margaret Hunter apologized for her actions through her attorney outside Federal Court on Thursday.

"I understand that there will be more consequences stemming from my action

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GOVERNMENT EXHIBIT

Ex. 7, Pg. 2



among other things.

The affidavit goes on to allege that the Hunters lied about the purchases in FEC filings, claiming the money was used for things like dinner with volunteers or campaign contributors, toy drives and teacher/parent events.

Rep. Duncan Hunter issued a statement which reads:

"I do not have the full details of Margaret's case, but it's obvious that the Department of Justice (DOJ) went after her to get to me for political reasons. As Margaret's case concludes, she should be left alone. I am the Congressman, this is my campaign and any further attention on this issue should be directed solely to me. The DOJ's prosecutorial actions in this case were led by local U.S. Attorneys who attended Hillary Clinton fundraisers in violation of the Hatch Act. The fact remains that this entire matter should have been handled by the Federal Elections Commission (FEC). The DOJ purposely choosing to involve itself in the area where the FEC has primary jurisdiction reveals that their primary agenda was to inflict as much political damage as possible in hopes of picking up a congressional seat. It was politically-motivated at the beginning, it remains politically-motivated now."

A trial date was set for September 10, 2019, but that is expected to change following this morning's court appearance.

A conviction would not force Hunter out of office. It takes a two-thirds house vote to do that, meaning 55 Republicans would have to move the same.

San Diego Political Analyst John Dadian said he believes Hunter would be expelled if convicted. He added President Trump could pardon him, but it

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Ex. 7, Pg. 3

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